

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

NORCAL TEA PARTY PATRIOTS, et al.,)	
ON BEHALF OF THEMSELVES,)	Case No. 1:13cv00341
THEIR MEMBERS, and THE CLASS)	
THEY SEEK TO REPRESENT,)	Chief Judge Susan J. Dlott
)	
Plaintiffs,)	
)	
v.)	
)	
THE INTERNAL REVENUE SERVICE, et al.,)	
)	
Defendants.)	
_____)	

MOTION OF FEDERAL DEFENDANTS TO EXCEED PAGE LIMIT

The named federal defendants in the Plaintiffs' amended complaint, *i.e.*, the Internal Revenue Service, the United States Department of Treasury, and the nineteen individually named IRS officers and/or employees in their official capacities, move to extend the Court's usual 20-page limitation for their brief in support of their motion to dismiss.

In their amended complaint, ten Plaintiff organizations raise the following four claims: (1) a claim for damages for violations of the Privacy Act of 1974 (Count I); (2) a claim for damages under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the individual defendants for violations of Plaintiffs' rights under the First and Fifth Amendments to the U.S. Constitution (Count II); (3) a claim for declaratory relief that the Internal Revenue Service and the Treasury Department violated Plaintiffs' rights under the First and Fifth Amendments, and an injunction to prevent further alleged unauthorized actions (also in Count II); and (4) claims for violations of 26 U.S.C. § 6103, which relates to the unauthorized inspection and/or disclosure of tax returns or tax return information (Count III).

(Doc. 14 at 25-35.) The federal defendants have prepared a motion to dismiss the Privacy Act claims, the claims for declaratory and injunctive relief in Count II, and the claims for the unauthorized inspection of return information.¹ To address those claims adequately in its brief, the federal defendants need more than 20 pages. The body of the proposed motion and brief, a copy of which is attached as an exhibit to this motion, stands at 25 pages, including one page that includes only counsel's signature block, but not including the table of contents and prefatory summary. The requested page-limit extension is modest, especially given the breadth of claims that the proposed brief addresses, and will aid in the proper development of the issues at hand. Undersigned counsel has advised counsel for Plaintiffs of the relief requested in this motion, and counsel for Plaintiffs has advised that Plaintiffs consent to the relief requested.

WHEREFORE, the United States respectfully prays that the Court allow the federal defendants to file their motion to dismiss and supporting brief in excess of the 20-page limit. A proposed order accompanies this motion.

¹ The claim for damages under *Bivens* in Count II is directed to the IRS officials and/or employees named in their individual capacities. The Civil Division of the Department of Justice has authorized representation by private counsel at government expense for those Defendants, and is in the process of hiring outside counsel for them. The undersigned Department of Justice counsel represent those defendants only in their official capacities. As a result, the motion to dismiss does not address the *Bivens* claims.

Dated: September 27, 2013

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on September 27, 2013, I electronically filed the Motion of Federal Defendants to Exceed Page Limit with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: David R. Langdon, Joshua B. Bolinger, Todd P. Graves, Edward D. Greim, Bill Randles and Bev Randles.

s/ Grover Hartt, III

GROVER HARTT, III